ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

GERSAIN VIAFARA-MINA,

Defendant.

SUPERSEDING INFORMATION

S7 11 Cr. 793 (ALC)

COUNT ONE

The United States Attorney charges:

1. From at least in or about 2010, up to and including in or about February 2015, in Colombia and elsewhere, and in an offense begun out of the jurisdiction of any particular State or district of the United States, GERSAIN VIAFARA-MINA, the defendant, who was first brought to and arrested in the Southern District of New York and whose point of entry into the United States was the Southern District of New York, and others known and unknown, did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States.

2. It was a part and an object of the conspiracy that GERSAIN VIAFARA-MINA, the defendant, and others known and unknown, would and did import into the United States and into

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the customs territory of the United States from a place outside thereof a controlled substance, in violation of Title 21, United States Code, Sections 952(a) and 960(a)(1).

3. It was further a part and an object of the conspiracy that GERSAIN VIAFARA-MINA, the defendant, and others known and unknown, would and did manufacture and distribute a controlled substance, knowing and intending that such substance would be unlawfully imported into the United States and into waters within a distance of 12 miles of the coast of the United States, in violation of Title 21, United States Code, Sections 959(a) and 960(a)(3).

4. The controlled substance that GERSAIN VIAFARA-MINA, the defendant, conspired to import into the United States and into the customs territory of the United States from a place outside thereof, and manufacture and distribute, knowing and intending that such substance would be unlawfully imported into the United States and into waters within a distance of 12 miles of the coast of the United States, was five kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code, Section 960(b)(1)(B).

Overt Act

5. In furtherance of said conspiracy and to effect the illegal objects thereof, GERSAIN VIAFARA-MINA, the defendant, committed the following overt act, among others:

a. On or about June 17, 2011, VIAFARA-MINA participated in a telephone call, which was lawfully intercepted, regarding an aircraft capable of transporting 700 kilograms of cocaine.

(Title 18, United States Code, Sections 371 and 3238.)

FORFEITURE ALLEGATION

6. As a result of committing the offense charged in Count One of this Superseding Information, GERSAIN VIAFARA-MINA, the defendant, shall forfeit to the United States, pursuant to Title 21, United States Code, Sections 853 and 970, any and all property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of said offense and any and all property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, said offense, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offense.

Substitute Assets Provision

7. If any of the above-described forfeitable property, as a result of any act or omission of GERSAIN VIAFARA-MINA, the defendant:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third person;

c. has been placed beyond the jurisdiction of the Court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be subdivided without difficulty,

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 853 and 970.)

Preet Bharara

PREET BHARARA
United States Attorney

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(18 U.S.C. §§ 371 and 3238.)

PREET BHARARA
United States Attorney.